

DETAILED ACTION

Response to Amendment

1. The amendments to the specification and abstract of the disclosure in the submission filed 10/21/09 are acknowledged and accepted. In view of these amendments, the objections to the specification in Sections 8-9 of the Office Action dated 4/22/09 are respectfully withdrawn.
2. The amendments to Claims 1, 3 in the submission filed 10/21/09 are acknowledged and accepted.
3. The cancellation of Claims 2, 4-6, 25-27 in the submission filed 10/21/09 is acknowledged and accepted.
4. In view of the amendments made to the claims above, the objections to the claims in Section 10 of the Office Action dated 4/22/09 are respectfully withdrawn. Further, the 35 U.S.C. 112 rejections in Sections 13-14 of the Office Action dated 4/22/09 are respectfully withdrawn.

Response to Arguments

5. The Applicants' arguments with respect to Claims 1-3, 14-24 have been considered but are moot in view of the new ground(s) of rejection.
6. Claims 1, 3, 14-24 are now rejected as follows.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
9. Claims 1, 3, 14-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over La Russa (U.S. Patent No. 6476944), of record, in view of Leiby et al. (U.S. Patent No. 5539554), of record, and DuCorday (U.S. Patent No. 4457585).

With respect to Claims 1, 3, 14-15, 17-21, 23-24, La Russa discloses an image-forming system (See for example Figures 1-2, 4) comprising an object (See for example 20, 11 in Figure 2) and a multi-element magnifying optical path (See for example 12, 13, 14, 15, 16 in Figures 1-2). La Russa additionally discloses the object being light-emissive (See for example 20 in Figure 2); the object being arranged to emit polarized light (See light from 20 after passing through polarizer 11 in Figure 2); a polarizer is

located between the object and the optical path (See for example 11 in Figure 2); the optical path comprises, in order, a curved beamsplitter or a holographic analogue of a curved beamsplitter (See for example 12 in Figure 2), a first quarter wave plate (See for example 13 in Figure 2), a planar beamsplitter (See for example 14 in Figure 2), a second quarter-wave plate (See for example 15 in Figure 2) and a linear polarizer (See for example 16 in Figure 2); and light emitted from the object is collimated (See Abstract; col. 1, line 61-col. 2, line 25).

La Russa does not explicitly disclose the multi-element magnifying optical path including an optical element, such as a flat aspherical Fresnel lens, that is switchable into and out of the optical path in order to vary a distance between a viewer's eye and the system, at which distance a magnified object is viewable, without varying a direction in which the system is viewed. However, Lebby et al. teaches a conventional dual magnification imaging optical system (See for example Figures 4-5; col. 8, line 17-col. 9, line 37), wherein the conventional display system (See for example 70 in Figures 4-5) has two configurations. A first configuration (See 72 in Figure 4) provides a first large size image to the viewer. A second configuration (See for example 74 in Figure 5) includes means (See for example 84, 85 in Figure 5) for adding an optical element into the optical path, thus providing a direct image view to the viewer. Further, Lebby et al. teaches that the optical element (See for example 84 in Figure 5) added into the optical path may be a Fresnel lens to aid in focusing and/or magnification (See for example col. 8, line 63-col. 9, line 8). Further, DuCorday teaches a known optical system for placing in front of a page, document, or other information-bearing article (See for example Abstract; Figure 1-

4), wherein a Fresnel lens (See for example 20 in Figure 1; 26 in Figure 2; 26b in Figure 3; 40, 60 in Figure 4) may be placed into and out of the optical path such that by placing the Fresnel in the optical path, a magnification and focal length may be modified such that the underlying page, document, or other information-bearing article may be made easier to read or view (See for example col. 2, line 61-col. 3, line 48). In addition, placing the Fresnel lens into and/or out of the optical path does not alter or vary the direction in which the underlying page, document, or other information-bearing article is viewed (See for example Figures 1, 4). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the multi-element magnifying optical path include an optical element, such as a flat aspherical Fresnel lens, that is switchable into and out of the optical path in order to vary a distance between a viewer's eye and the system, at which distance a magnified object is viewable, without varying a direction in which the system is viewed, as taught by Lebby et al. and DuCorday, in the image-forming system of La Russa, for the purpose of aiding in focusing and/or magnifying the image light from the display to the viewer, as required based on the intended application.

With respect to Claims 16 and 22, the combined teachings of La Russa, Lebby et al., and DuCorday teach the object being light-reflective (See for example Figures 1-2, 4-5).

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnel C. Lavarias whose telephone number is 571-272-2315. The examiner can normally be reached on M-F 10:00 AM - 6:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on 571-272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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